

FILED

OCT 30 2016

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

Clerk of Court

United States of America )

Alberto CRUZ )

YOB: 1972 Citizenship: U.S. )

Case No. M-16-2011-M

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 29, 2016 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

21 U.S.C. § 841(a)(1), 846, 952

## Offense Description

Possession with intent to distribute a controlled substance  
 Knowingly, willfully and unlawfully imported from a place outside the United States, to wit; the United Mexican States, to a place in the United States, to wit; Donna, Texas, a controlled substance listed under Schedule I, of the Controlled Substance Act, to wit; approximately forty four point seventy four (44.74) kilograms, gross weight, of marijuana. In addition, the defendant did knowingly and unlawfully possess with the intent to distribute the above listed marijuana. Furthermore, the defendant did knowingly and unlawfully conspire to import and possess with intent to distribute the above listed marijuana.

This criminal complaint is based on these facts:

SEE ATTACHMENT "A"

✓ Continued on the attached sheet.


  
Complainant's signature

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 Fatima Alkhatab, HSI Special Agent

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 Printed name and title

Sworn to before me and signed in my presence.

Date:


  
Judge's signature
City and state: McAllen, Texas

U.S. Magistrate Judge Peter E. Ormsby

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 Printed name and title

**Attachment A**

On October 29, 2016, U.S. Customs and Border Protection (CBP) Officers at the Donna, Texas Port of Entry (POE) referred a 2001 Ford Windstar Van into the secondary inspection area for an intensive examination. The driver and sole occupant, identified as Alberto CRUZ, was traveling from Rio Bravo., Mexico to Edinburg, Texas. Primary name queries of CRUZ resulted in a lookout for prior narcotics smuggling.

An x-ray examination of the van showed anomalies of the passenger's side door and rear quarter panels of the van. A K9 alerted to the odor of narcotics in the passenger's side door and the rear wheel wall area. CBP Officers inspected the area in question. Inspection of the vehicle resulted in the discovery of 63 packages of marijuana, weighing 44.74 kilograms.

Homeland Security Investigations (HSI) Special Agent Fatima Alkhatib and CBPO Jose Alvarez read CRUZ his Miranda Rights in the English language. CRUZ invoked his rights to an attorney and silence.

Secondary system queries revealed CRUZ had been apprehended two days ago, on October 27, 2016 by U.S. Border Patrol Agents (BPAs) at the Saritas, Texas BP checkpoint traveling onboard a commercial bus. CRUZ was in possession of 44 pounds of marijuana. Additionally, CRUZ was apprehended on January 23, 2016 at the Falfurrias, Texas BP checkpoint traveling onboard a Tornado Bus. Agents found 22.92 kilograms of marijuana in CRUZ's suitcase.